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**Public Comment:**

Federal Register Notice Vol. 69 No. 71, Pages 19673 and following,  
Department of Health and Human Services,  
Substance Abuse and Mental Health Services Administration:  
Mandatory Guidelines for Federal Workplace Drug Testing Programs

The proposed guidelines for drug testing Federal Employees need modification. Proposed drug consumption tests that use hair should be eliminated.

The purpose for drug testing should be to insure a safe working environment and public safety. If the purpose of testing is simply to detect "illegal activity" then the purpose is wrong. Testing whose purpose is to screen for past consumption violates constitutional rights. They constitute illegal search and violate an individual's right to avoid self incrimination. Remember that most of these employees will be normal people with no indication at all of wrong-doing.

Screening for the purpose of workplace safety would imply that the screen should be limited to detecting impaired employees on the job. That would only include being under the influence while on the job. Since, it is difficult to test for immediate impairment without testing for consumption within the last few days, tests should be limited to those that only detect recent consumption. The saliva test is the only one listed that meets that criteria.

The testing of hair clearly falls outside of detection within a reasonable time frame. Testing for consumption 90 days prior to the test date is illegal and immoral. It is a transparent attempt to skirt constitutional rights of individuals.

One should ask the question "Does the government have the right to stop anyone on the street, cut off their hair and test it for drugs?" An obvious "No" answer to that question should show that there is no right to do this to Federal employees. Testing for use during the entire past 90 days is the same thing.

This issue has larger repercussions than testing of Federal Workers. It will be seen as a validation to industry to allow this same type of screening in private industry.

Employees in Industry or in Government all value their employment. The threat of job loss due to a refusal to take a test will make employees submit to testing that they would otherwise see as illegal. In addition, employees will be reluctant to complain because others might think that they are taking drugs. This, at the least, amounts to coercion and is no different than blackmail.

I would not like for innocent people to be at risk for job loss simply because they had smoked some marijuana one time with some friends while on leave. There would be no gain in security of the public for firing such individuals. In fact, it may negatively affect security by degrading the morale of all good employees.

As a society we are often faced with moral choices about the use of scientific capability. Science provides

wonderful benefit to society. However, just because a capability exists, does not mean that it should be used. The use of sensitive lab tests to detect substance consumption 90 days before specimen collection is a good example of a scientific capability that should not be used just because it exists.

The same dilemma holds for government power. Just because there is enough government power to force this wide-sweeping testing on individuals does not mean that it's a good use of that power.

If any common sense exists in the world, history will place this form of testing in the same category as other well-meaning government programs that turned out to be immoral or illegal. McCarthyism comes to mind as an example.

Please use common sense and remove the hair testing.

Alan King